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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/388,781	09/02/1999	MASAYUKI CHATANI	450127-02160	4426

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FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

EXAMINER

TRAN, THAI Q

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 02/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/388,781

Applicant(s)

CHATANI ET AL.

Examiner

Thai Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 September 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3. 6) ☐ Other: .

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2, 5-6, and 8-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Mochizuki (US Patent No. 6,097,814).

Regarding claim 1, Mochizuki discloses a data transmitting and receiving system comprising a data transmitting apparatus and a data receiving apparatus (Fig. 3),

said data receiving apparatus having a reader (reading out a disc ID and the cipher key disclosed in col. 10, lines 13-14) for reading a recording medium with a recorded ID and control means (calculating the code number disclosed in col. 10, lines 21-46);

said control means comprising means for controlling said reader to read a program and/or data from said recording medium and executing the program and/or processing the data if an ID designated by data received by said data receiving

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apparatus agrees with the ID of the recording medium which is read by said reader (col. 10, lines 37-46).

Regarding claim 2, the claimed wherein said control means comprises means for stopping executing said program and playing back the received data if an instruction to stop said program is detected in said program while said program is being executed is anticipated by the end of the software number "01" of the optical disc 100 (col. 10, lines 37-46).

Regarding claim 4, Mochizuki discloses a data transmitting and receiving system comprising a data transmitting apparatus and a plurality of data receiving apparatus (Fig. 3 and col. 7, lines 54-56),

each of said data receiving apparatus having a reader (reading out a disc ID and the cipher key disclosed in col. 10, lines 13-14) for reading a recording medium with a recorded ID and control means (calculating the code number disclosed in col. 10, lines 21-46);

said control means comprising means for controlling said reader to read a program and/or data from said recording medium and substantially simultaneously starting to execute the program and/or process the data if an ID designated by data received by each of said data receiving apparatus agrees with the ID of said recording medium which is read by said reader (col. 10, lines 37-46).

Regarding claim 5, Mochizuki discloses a data receiving apparatus (Fig. 3) having a data reception function, comprising:

a reader for reading a recording medium having an ID specifying itself (reading out a disc ID and the cipher key disclosed in col. 10, lines 13-14); and

control means for controlling said reader to read a program and/or data from said recording medium and executing the program and/or process the data if an ID designated by received data agrees with the ID of said recording medium which is read by said reader (col. 10, lines 15-46).

Regarding claim 6, Mochizuki discloses the claimed wherein said control means comprises means for stopping executing said program and playing back the received data if an instruction to stop said program is detected in said program while said program is being executed (the end of the software number "01" of the optical disc 100 disclosed in col. 10, lines 37-46).

Regarding claim 8, Mochizuki discloses the claimed video game apparatus (col. 2, lines 41-51).

Regarding claim 9, Mochizuki discloses the claimed personal computer (col. 2, lines 41-51).

Regarding claim 10, Mochizuki discloses the claimed a data transmitting apparatus (a software supplier 110 of Fig. 3, from col. 6, line 42 to col. 7, line 2 or the user input device to enter the code number disclosed in col. 10, lines 31-46), wherein the transmitted data contains the ID of a particular recording medium.

Regarding claim 11, Mochizuki also discloses the claimed wherein the transmitting data contains the name of a file in said particular recording medium and/or

data identifying a recording area in said particular recording medium (the software number "01" of the optical disc 100 disclosed in col. 10, lines 37-46).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mochizuki (US Patent No 6,097,814).

Regarding claim 3, Mochizuki discloses all the claimed limitations as discussed in claim 1 above except for providing wherein said control means comprises means for temporarily stopping executing said program and playing back the received data if an instruction to stop said program is detected in said program while said program is being executed, confirming whether the received data being played back contains an

instruction to end the execution of said program with is being temporarily stopped or not, ending the executing of said program which is being temporarily stopped if the received data being played back contains an instruction to end the execution of said program, and resuming the execution of said program if the received data being played back does not contain an instruction to end the execution of said program.

It is noted that some software games have pause instructions for pausing the games because of the requirement of inputs from users are old and well known in the art and; therefore, Official Notice is taken.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the well known games having pause function into Mochizuki since it merely amounts to selecting different readily available video games.

Claim 7 is rejected for the same reasons as discussed in claim 3 above.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited references relate to video games.

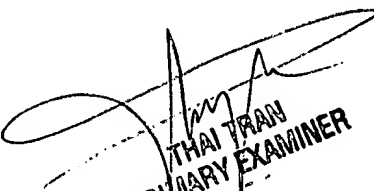
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai Tran whose telephone number is (703) 305-4725. The examiner can normally be reached on Mon. to Friday, 8:00 AM to 5:30 PM.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

TTQ



THAI TRAN
PRIMARY EXAMINER